

Message Text

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ACTION SCS-06

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FM AMEMBASSY ANTANANARIVO
TO SECSTATE WASHDC 838

C O N F I D E N T I A L ANTANANARIVO 1494

E.O. 11652: GDS
TAGS: CARR (LAPPEMAN, EDMUND H.)
SUBJ: LAPPEMAN

REF: A) ANT 1116; B) 1137; C) ANT 1228

1. I TOOK ADVANTAGE ON MY CALL ON PRESIDENTIAL ASSISTANT GEORGES SOLOFOSON AUGUST 3 TO SOUND HIM OUT ON THE LAPPEMAN CASE. STRESSING THAT I WAS SPEAKING FOR MYSELF, AND NOT UNDER INSTRUCTION FROM EITHER DEPARTMENT OF LAPPEMAN'S FAMILY OR LAWYERS, I ASKED IF HIS REPLY TO MRS. LAPPEMAN'S LETTER ON 13 JUNE (REF A) MEANT THAT THERE WAS NO HOPE OF ANY EVENTUAL PRESIDENTIAL INTERCESSION IN THIS CASE TO REDUCE LAPPEMAN'S SENTENCE THROUGH EXECUTIVE CLEMENCY.

2. SOLOFOSON REPLIED THAT HE COULD NOT REALLY GIVE ME A CATEGORIC REPLY ON THIS MATTER PARTICULARLY AS NO OFFICIAL REQUEST HAD YET BEEN MADE FOR A PARDON. HE NOTED HOWEVER THAT THE PRESIDENT HAD NEVER EXERCIZED THIS RIGHT, EXCEPT FOR GENERAL AMNESTIES, AND THAT IF HE DID SO IN THIS CASE IT WOULD BE INTERPRETED AS A PRECEDENT FOR OTHER SIMILAR CASES, WHICH MIGHT NOT BE AVAILABLE. HE ALSO SAID THAT EVENTS SINCE LAPPEMAN'S ARRIVAL IN MADAGASCAR WOULD ALSO MAKE IT HARDER TO GRANT A PARDON FOR HIM AS THERE WERE STILL CASES PENDING WHICH BORE A RESEMBLANCE AND MIGHT EVEN BE LINKED WITH IT. COMMENT: I UNDERSTAND THIS TO MEAN CASES OF BULGARIAN, YUGOSLAV,.
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ENGLISH, FRENCH, AND MALAGASY PRISONERS, ALL OF WHOM BEING INVESTIGATED FOR POSSIBLE ACTS AGAINST THE STATE (REFS B AND C). END COMMENT.

3. AT ANY RATE, CONCLUDED SOLOFOSON, THERE COULD BE NO QUESTION OF A PARDON AT THIS TIME, IN VIEW OF THE ABOVE FACTORS AND OTHER PREOCCUPATIONS OF THE

GOVERNMENT. ANY POSSIBILITY OF A PARDON IN THE FUTURE WOULD BE AFFECTED BY THE STATE OF BILATERAL US/MALAGASY RELATIONS AND THE CIRCUMSTANCES EXISTING AT THE TIME.

4. I ALSO SPOKE TO COL RAKOTONIRINA, SENIOR MILITARY JUDGE AT LAPPEMAN'S TRIAL, ON AUGUST 1 ABOUT THE CASE. HE CAME OUT WITH ANOTHER LEGAL OPINION WHICH APPEARS STRANGE TO ME. HE SAID HE HAD HEARD THAT THE JUSTICES OF THE SUPREME COURT WHO WOULD CONSIDER LAPPEMAN'S APPEAL ARE NOW OF A MIND TO SETTLE THE MATTER THEN AND THERE AND NOT REPEAT NOT SCHEDULE A NEW MILITARY TRIAL. IN OTHER WORDS, THE COURT OF CASSATION WOULD TAKE IT UPON ITSELF TO CHANGE LAPPEMAN'S SENTENCE IF IT SAW FIT.

5. I HAD ALWAYS UNDERSTOOD THAT THE COURT OF CASSATION COULD EITHER ANNUL THE VERDICT AND ORDER A NEW TRIAL OR CONFIRM ITS VALIDITY. I HAVE CHECKED OUT THIS NEW THEORY OF RAKOTONIRINA WITH A COUPLE OF LAWYERS. THEY DO NOT SEE HOW COURT OF CASSATION COULD LEGALLY RULE IN THIS MANNER BUT DO NOT EXCLUDE POSSIBILITY THAT "IN MADAGASCAR" A WAY MIGHT BE FOUND.

6. RAKOTONIRINA CONTINUES TO BE ADAMANT IN HIS INSISTENCE THAT THE ESPIONAGE CHARGES COULD NOT BE CONFIDENTIAL

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RAISED AGAIN AND THAT THE MAXIMUM SENTENCE HAD BEEN INFLICTED ON LAPPEMAN FOR OVERFLIGHT.BARRETT

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